

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FRANK SHANNON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:22-CV-253 RLW
)	
DOLLAR TREE STORES, INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Dollar Tree Stores, Inc.’s “Motion to Vacate Trial Date and Current Scheduling Order.” (ECF No. 19). For the reasons below, the Court will grant the motion in part.

Plaintiff Frank Shannon died on December 1, 2022. (ECF No. 18). Defendant asks this Court to issue an order requiring the appointment of a personal representative within 30 days. (ECF No. 19). Defendant also asks the Court to vacate the Case Management Order. *Id.* The Court will vacate portions of the Case Management Order in light of Plaintiff’s passing but will not limit the time permitted by the Federal Rules of Civil Procedure for Plaintiff’s successor to file a motion for substitution.

Under Rule 25 of the Federal Rules of Civil Procedure, “[a] motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1). Defendant seeks to shorten the time provided by Rule 25 for Plaintiff’s successor to file a motion for substitution. Plaintiff does not, however, offer any

factual or legal basis for this request. The Court sees no reason to abbreviate the time permitted by Rule 25 for decedent's successor to file a motion for substitution.

Accordingly,

IT IS HEREBY ORDERED that Defendant Dollar Tree Stores, Inc.'s "Motion to Vacate Trial Date and Current Scheduling Order" is **GRANTED** in part. (ECF No. 19).

IT IS FURTHER ORDERED that the deadlines in the Case Management Order relating to alternative dispute resolution, the completion of discovery, the filing of dispositive motions, and Defendant's disclosure of expert witnesses, are **VACATED**.

IT IS FURTHER ORDERED that the trial date in this matter, as well as all pre-trial deadlines listed in Part II of the Court's Case Management Order (ECF No. 12), are **VACATED**. If Plaintiff's successor files a motion for substitution and the Court grants the motion, the Court will order the parties to file a Joint Scheduling Plan as to all outstanding deadlines at that time.

A handwritten signature in cursive script, reading "Ronnie L. White", is written over a horizontal line.

RONNIE L. WHITE

UNITED STATES DISTRICT JUDGE

Dated this 12th day of January, 2023.